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JUDGE'S COPY

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8/3/02

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SHAWN JORDAN,

Plaintiff

v.

DAVID J. WAKEFIELD, et al.,

Defendants

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No. 1:CV-00-1387
(Judge Caldwell)

HARRISBURG, PA

AUG 21 2002

MARY E. DIANDREA CLERK
Per MW Deputy Clerk

AMENDED DOCUMENTS IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

1. Declaration of Richard Ellers Attachment A
2. Declaration of Daniel Walls Attachment B
3. Declaration of John Symons, M.D. Attachment C
4. Declaration of Robin Kerstetter Attachment D

D. MICHAEL FISHER
Attorney General-

GWENDOLYN T. MOSLEY
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL
15th Floor, Strawberry Square
Harrisburg, PA 17120
717-787-1180

DATE: August 20, 2002

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SHAWN JORDAN,

Plaintiff

v.

DAVID J. WAKEFIELD, et al.,

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DECLARATION OF RICHARD ELLERS

I, Richard Ellers, do hereby state under penalty of perjury that the following is true and correct and based upon my personal knowledge:

1. I am employed by the Department of Corrections at the State Correctional Institution at Rockview ("SCI-Rockview") as Health Care Administrator.
2. In that capacity, I have custody of the medical records maintained by the Department of Corrections of prisoners confined at SCI-Rockview.
3. I have reviewed the medical records concerning Shawn Jordan, #BI-8942.
4. My review revealed that Jordan was identified on documents completed upon his reception at SCI-Rockview in January of 1991 as suffering from asthma.
5. Because of his diagnosis, Mr. Jordan is enrolled in the prison's asthma clinic and is seen at the clinic every three months. Jordan's last clinic visit was on June 13, 2002.
6. Mr. Jordan has been prescribed two inhalers to be used by him on an "as needed" basis.
7. The medical records concerning Jordan show the at the time of his visit to the

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asthma clinic on June 13, 2002, he reported that he was not using one of his inhalers.

8. Entries in Jordan's medical records show that he shows up when he is scheduled to show up for the asthma clinic.

9. Jordan's medical records do not reveal any complaints by Jordan concerning asthma over the past two years which were serious enough to precipitate a sick call visit by him.

10. Jordan's medical records contain no entries by a physician or other medical provider which state or indicate that his asthma condition was caused by second-hand smoke.

Date:

August 8, 2002


Richard Ellers
Health Care Administrator

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SHAWN JORDAN,

Plaintiff

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DECLARATION OF DANIEL WALLS

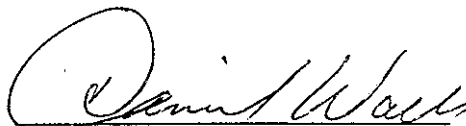
I, Daniel Walls, do hereby state under penalty of perjury that the following is true and correct and based upon my personal knowledge:

1. I am employed by the Department of Corrections at SCI-Rockview as a Unit Manager in D Building.
2. Shawn Jordan was housed in D Building from July 12, 1999 until his transfer to BB Block in May of 2002. From October 24, 2001 to December 21, 2001, Jordan was in Administrative Custody and then in the Restricted Housing Unit.
3. Jordan is classified as Z-code which means that he must be single-celled. By single-celled it means that he does not have a cell-mate. Jordan was single-celled the entire time that he was in D Building.
4. The windows in Jordan's building could be opened manually.
5. For ventilation purposes in the building, there are three large free-standing fans and four very large ceiling fans in operation daily to circulate the air.
6. While Jordan was housed in D Building, I was never told that he had a medical

condition which required his placement in a non-smoking environment.

7. Effective November 1, 2002, prisoners will not be able to smoke or purchase tobacco products at the prison.

Date: 8-12-02

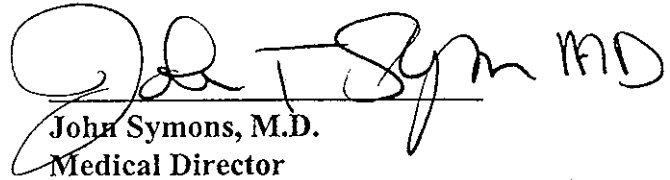
A handwritten signature in cursive script, appearing to read "Daniel Walls", written over a horizontal line.

Daniel Walls
Unit Manager

- IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

7. Based upon his medical records, it cannot be said that Jordan's asthma was caused by his exposure to second-hand smoke.

Date: 8/7/02


John Symons, M.D.
Medical Director

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHAWN JORDAN,

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**No. 1:CV-00-1387
(Judge Caldwell)**

DECLARATION OF ROBIN KERSTETTER

I, Robin Kerstetter, do hereby state under penalty of perjury that the following is true and correct and based upon my personal knowledge:

1. I am employed by the Pennsylvania Department of Corrections at the State Correctional Institution at Rockview ("SCI-Rockview") as Unit Manager on BB Block. BB Block is the cell block designated for the confinement of prisoners who are participating in the Sex Offenders Program.
2. Shawn Jordan is participating in the Sex Offenders Program and was assigned to BB Block on May 16, 2002 and remains on the block today.
3. Shawn Jordan is assigned to cell #116 which is a single cell on BB Block and has always been housed in a single cell since his transfer to the block. Jordan has no cell-mate in BB Block and has never had a cell-mate in BB Block.
4. There are no plans of which I am aware to assign Shawn Jordan to a double cell on BB Block or to assign a cell-mate to him.
5. The windows inside cell #116 are functional and can be opened.

6. Ventilation on BB Block is accomplished by two large floor fans and exhaust fans which are in operation at all times.

7. No smoking is authorized in the common areas in BB Block.

8. Beginning on November 1, 2002, neither smoking nor the purchase of tobacco products by prisoners will be permitted at SCI- Rockview.

Date: Aug 9, 2002


Robin Kerstetter
Unit Manager

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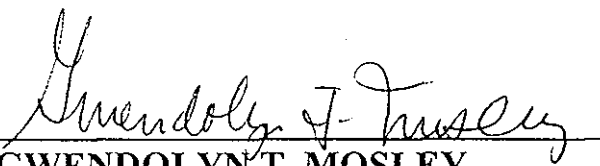
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CERTIFICATE OF SERVICE

I, Gwendolyn T. Mosley, Senior Deputy Attorney General, hereby certify that on this date I caused to be served the foregoing, **Amended Documents in Support of Defendants' Motion for Summary Judgment** by depositing a copy of the same in the United States mail, postage prepaid, in Harrisburg, PA., addressed to the following:

Shawn Jordan, #BI-8942
SCI-Rockview
Box A
Bellefonte, PA 16823-0820


GWENDOLYN T. MOSLEY
Senior Deputy Attorney General

DATE: August 20, 2002